

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX

JOSEPHAT HENRY, et al.	:	CIVIL ACTION
	:	
v.	:	
	:	
ST. CROIX ALUMINA, LLC, et al.	:	NO. 99-0036

ORDER

AND NOW, this 3rd day of June, 2008, after a telephone conference with counsel, it is hereby ORDERED that:

1. Defendants St. Croix Alumina, LLC and Alcoa, Inc. shall pay the fees and costs of plaintiffs' experts to supplement their reports and shall pay the fees of plaintiffs' experts to sit for any additional expert depositions by defendants as well as the fees and costs of one of plaintiffs' counsel in connection with the taking of such depositions. Such costs and fees shall be borne equally by these two defendants.

2. Defendants may supplement their expert reports within 20 days after they are served with plaintiffs' supplemental expert reports. Said supplemental expert reports shall be limited to responding to the additional material in plaintiffs' supplemental expert reports.

3. Plaintiffs may depose defendants' experts on the additional material in their supplemental reports. Defendants shall pay the fees and costs of one of plaintiffs' counsel in connection with the taking of such depositions. Such fees and

costs shall be borne equally by defendants St. Croix Alumina, LLC and Alcoa, Inc.

4. Notwithstanding anything to the contrary, defendants need not pay the fees and costs of plaintiffs' expert Dr. Nachem Brautbar to the extent he adds additional information and references related to the issue of medical monitoring, and defendants need not pay the fees and costs of Dr. Brautbar to sit for a deposition related to this subject or the fees and costs of plaintiffs' counsel in this regard. Further, defendant need not pay the fees and costs of plaintiffs' counsel to attend any deposition of defendants' expert who responds to the supplemental expert report of Dr. Brautbar.

5. Paragraphs 8 through 10 of the Order of March 27, 2008 are hereby vacated.

6. Any further depositions of experts shall take place no later than July 31, 2008.

7. Any Daubert motions, together with supporting briefs, shall be filed and served on or before August 29, 2008. Any opposing briefs shall be filed and served on or before September 15, 2008, and any reply briefs shall be filed and served on or before September 29, 2008. Any hearing, if necessary, will be scheduled thereafter.

8. A hard copy of all motions and briefs shall be sent to the undersigned at his Chambers in Philadelphia, Pennsylvania. No supporting or opposing brief shall exceed 25 pages, and no reply brief shall exceed 10 pages, without leave of court.

9. The court will hold another status conference after resolving any Daubert motions.

BY THE COURT:

<u>/s/ Harvey Bartle III</u>	
HARVEY BARTLE III	C.J.
SITTING BY DESIGNATION	